

ROCHESTER CITY COUNCIL

REGULAR MEETING

JANUARY 19, 2010

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul, - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

CITY COUNCIL

William F. Sullivan

DES

*Edward DeLeon

RFD

*James W. Barnum

*Eddie Hammonds, Jr.

RPD

*David A. Anne

*Jason R. Maitland

**Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of December 15, 2009 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 4002-10

Public Disclosure - CDBG Participation 4003-10

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THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

110 signatures against Charlotte Fire House Reduction Petition No. 1642
Presented by Councilmember Palumbo

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing Amendatory 1997-98, 1999-2000, 2000-01, 2001-02 And 2005-06 Community Development Program Plans, Amending Ordinances And Authorizing An Agreement For The Urban Agriculture Program Int. No. 6 No speakers.

Approving Changes In The Pavement Width Of Lawrence Street And Anson Place Int. No. 12
No speakers.

Local Improvement Ordinance – Public Art At 657-687 East Avenue As A Part Of The ARTWalk2 Enhancement Project Int. No. 34 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-5
Re: Upstate Regional Blueprint Fund

Transmitted herewith for your approval is legislation endorsing the application by 80 South Clinton LLC, developer of the Midtown Tower project, to the Empire State Development Corporation for financial assistance from the Upstate Regional Blueprint Fund.

In October 2009, the City selected a proposal submitted by a partnership comprising Christa Development Companies and Morgan Management to purchase and renovate the Midtown Tower for 186 apartments, 24 condominiums and limited commercial space. Christa and Morgan formed a new company, 80 South Clinton LLC, to undertake the project and, in October, submitted an application to the Blueprint Fund for \$4 million in grant assistance. The State recently announced that \$1.2 million in grant assistance was awarded. These funds will be utilized for the first phase of the project estimated at \$47 million, which includes all the residential units and 12,000 square feet of commercial space.

The developer is considering expanding the commercial portion of the project (Phase II) to include approximately 80,000 square feet of additional commercial and retail leasable space for portion of the former Midtown Plaza buildings directly adjacent to the tower. Development costs for Phase II have been estimated at approximately \$16 million.

The developer has submitted an application for additional funding assistance through the Blueprint program for the Phase II project. Applications are evaluated on a point basis. Additional points are awarded to applications that include letters of support from the local municipality.

Respectfully submitted,
Robert J. Duffy

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Mayor

Resolution No. 2010-5
(Int. No. 41)

Resolution Endorsing A Grant Application For Funding From The
Upstate Regional Blueprint Fund

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby endorses the application by 80 South Clinton LLC, the developer of the Midtown Tower Project, to Empire State Development for funding through the Upstate Regional Blueprint Fund for Phase II of the Project.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Conklin
January 19, 2010

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 1 - Authorizing An Amendatory Agreement For Operation Of The Plymouth Avenue
Parking Lot

Int. No. 2 - Establishing Maximum Compensation For A Professional Services Agreement For The
Electronic Document Management System

Int. No. 26 - Authorizing The Extension Of A Lead Agency Agreement Between The City Council
And The Mayor Regarding Environmental Review

Int. No. 27 - Cancellation Of Taxes And Charges

Int. No. 28 - Amending The 2009-10 Budget

Int. No. 30 - Establishing Maximum Compensation For Amendatory Professional Services
Agreements For Legal Services And Amending The 2009-10 Budget

Int. No. 36 - Authorizing An Agreement For The City School Facilities Modernization Program

Int. No. 37 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of
\$13,110,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public
School Buildings Within The City

Int. No. 38 - Approving The 2009-10 Debt Resolution For The City School District

The following entitled legislation is being HELD in committee:

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Int. No. 31 - Authorizing Agreements For The Census 2010 Outreach Program And Amending The 2009-10 Budget

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Loretta C. Scott
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-2
Re: Amendatory Lease Agreement -
Ampco System Parking, Plymouth
Avenue Parking Lot

Transmitted herewith for your approval is legislation authorizing an amendatory lease agreement with Ampco System Parking to reduce annual rent for the Plymouth Avenue Parking Lot located at 116 West Main Street. The original agreement for the lease and operation of the lot was approved in November 2007.

The amendatory agreement will reduce the annual rent amount by a maximum of \$12,500, from \$108,144 to \$95,644, during the first year of the optional renewal period. Ampco has requested that the City allow this reduction in order to cover their rising expenses. The Parking Bureau has reviewed Ampco's revenues and expenses and has found that they are currently operating at a deficit. Ampco's expenses, including their staffing and security costs, are in line with operational expenses in the Rochester area.

The Parking Director is working with Ampco to help reduce their expenses while reviewing the rates currently charged to customers at that lot to see if there is an opportunity to offset this deficit with increased revenues and further expense reductions.

Since the City is currently seeking proposals for development of this site, the future of this parking lot is unknown at this time. Changing operators under these circumstances would not be in the best interest of the City.

All other terms and conditions of the lease will remain in effect including the City's ability to terminate the lease upon sixty days notice.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-2
(Int. No. 1)

Authorizing An Amendatory Agreement For Operation Of The
Plymouth Avenue Parking Lot

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Ampco System Parking for the operation and maintenance of the Plymouth Avenue Parking Lot for the two

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optional one-year renewal periods. The agreement shall provide for termination upon 60 days notice in the event that the lot is required for development purposes.

Section 2. The amendatory agreement shall obligate Ampco System Parking to pay to the City the sum of \$95,644 during the first renewal year.

Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-3

Re: Agreement - ExtraDev, Document
Management Support and Training

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with ExtraDev, Rochester, for services related to the implementation of an electronic document management system (EDMS) for the Department of Neighborhood and Business Development. The cost of the agreement will be funded from the 2009-10 Cash Capital allocation of the Information Technology Department.

ExtraDev, under a previous agreement, had implemented an EDMS program for the NET Bureau. This agreement will enable the consultant to extend the implementation of the SharePoint EDMS within the new Bureau of Inspection and Compliance Services.

Under the new agreement, ExtraDev will manage and support the SharePoint solution, including phone and on-site support, training and documentation, knowledge transfer to ITD personnel, and provide both user and technical documentation for the solution.

ExtraDev is recommended for these services based on their ability to provide high quality at a fair price, their expertise, experience and success in providing these services during the EDMS solution development and implementation; they are a New York State contract vendor.

The term of this agreement will be for one year. Using these services on a consultant basis will enable the ITD to determine its long-term staffing needs related to EDMS implementation and management.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-3
(Int. No. 2)

Establishing Maximum Compensation For A Professional Services
Agreement For The Electronic Document Management System

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and ExtraDev to support the implementation of the SharePoint Electronic Document Management System for the

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Department of Neighborhood and Business Development. Said amount shall be funded from the 2009-10 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-4

Re: Agreement - Environmental Review
Lead Agency

Transmitted herewith for your approval is legislation authorizing an extension of the agreement between the City Council and the Mayor for the coordination of environmental review actions in which both parties are involved.

The requirement for environmental review of certain actions is specified by the New York State Environmental Quality Review Act and Chapter 48 of the City Code. The regulations stipulate that when more than one governmental body is involved in one of these actions, a lead review agency must be designated. Such designation is merely procedural and does not reflect consideration of the actual substance or merits of the action. For all actions, the findings of the lead agency are presented with the proposed legislation (e.g., rezoning request or development proposal).

Beginning in 1987, to avoid delays resulting from the requirement of formal approval by a majority of Council members, Council authorized an agreement that designated the Mayor as lead agency for all actions in which both parties are involved, unless the Council President otherwise specified. Since then, the Council has periodically authorized the renewal of this agreement, most recently in January 2008.

Under the agreement, for any relevant action, the Mayor will continue to notify the Council that an environmental review is required and will be conducted by the Administration as lead agency. Upon receipt of notification, the President will advise the Council in writing of the proposed action and request comments within 10 days. The President may, within the 10-day period, advise the Mayor that the provisions of the agreement will not apply and that formal consideration of the designation of a lead agency by the Council will instead be required.

The term of the agreement will be two years.

Respectfully submitted,
Robert J. Duffy
Mayor

Lovely A. Warren
City Council President

Ordinance No. 2010-4
(Int. No. 26)

Authorizing The Extension Of A Lead Agency Agreement Between
The City Council And The Mayor Regarding Environmental Review

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The President of the Council is hereby authorized to enter into an extension of the agreement with the Mayor for a term of two years regarding the lead agency for environmental review pursuant to Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Municipal Code for actions which involve discretionary decisions by the City Council and the Mayor.

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Section 2. The agreement shall contain such additional terms and conditions as the Mayor and the City Council deem to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-5

Re: Cancellation or Refund of
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$88,147.04.

The owner of 66 Montrose Street purchased the property at a mortgage foreclosure auction on June 1, 2009, with the referee's deed being recorded on July 2, 2009. Code violations in the amount of \$3,400 attributable to the former owner were added to the July 1, 2009 tax bill, after the time of the auction. Under the judgment of foreclosure, the referee was not responsible for the charges. The purchaser had no knowledge of them at the time of the auction. The property has been brought up to code compliance.

We also recommend cancellation of \$84,747.04 in local works charges for state properties, including the Armory properties. These assessments may not be applied to state properties. The cancellation of these charges on the Armory properties will allow their sale to proceed and properties to be placed on the tax rolls.

If this cancellation is approved, total cancellations thus far for 2009-10 will be \$396,489.04.

	<u>Accounts</u>	<u>Amounts</u>
City Council	44	\$359,441.39
Administrative	<u>104</u>	<u>37,047.65</u>
Total	148	\$396,489.04

These cancellations represent .173 % of the taxes receivable as of July 1, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-1

Ordinance No. 2010-5
(Int. No. 27)

Cancellation of Taxes and Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (A) One property was purchased in June 2009 from a former owner who had accumulated substantial code violations charges. The current owner was unaware of the charges. The

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property has been brought up to code compliance. The code violation charges will be reinstated as a judgment against the former owner.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
105.51-3-40	H	66 Montrose St	2010	<u>\$ 3,400.00</u>
Subtotal				\$ 3,400.00
(B) Six properties are owned by the State of New York and are set forth in a list on file with the City Clerk. Local works charges had been added to these properties when in fact they should have not. The cancellation of these charges on the State owned Armory properties will allow their sale to proceed and the properties to be placed on the tax rolls.				
Various				<u>\$84,747.04</u>
Grand Total				\$88,147.04

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to amend Int. No. 28.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following votes:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul
- 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-6
Re: Budget Amendment - Decrease in
State Aid and Reserve for 2% Fund
Court Decision

Transmitted herewith for your approval is legislation amending the 2009-10 Budget to accommodate the decrease in anticipated aid from New York State and a recent court decision regarding the 2% fire insurance fund. This legislation will amend the 2009-10 Budget by:

1. Reducing the state aid estimate by \$922,200 and reducing the combination of departmental appropriations and cash capital to offset the loss of state aid; and
2. Increasing the Undistributed allocation by \$3,878,400 to create a reserve fund in response to the court decision related to the 2% Fund by transferring \$241,000 from the Budget of the Fire

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Department, transferring \$259,000 from Cash Capital, and increasing revenue estimates by transferring \$3,378,400 from the Insurance Reserve.

State Aid

The national recession has seriously affected State income and sales tax revenues and on October 15, 2009 Governor Paterson proposed a \$5 billion deficit reduction plan to the State legislature to bring State expenditures in line with State revenues. That proposal included a \$7.4 million reduction in Rochester's Aid Incentive to Municipalities (AIM) funding. The City has developed a contingency plan to address this potential shortfall in revenue.

On December 2, 2009, the state legislature passed a \$2.76 billion deficit reduction plan that included a \$922,200 reduction in the City's AIM funding. The proposed departmental reductions to offset this aid reduction are listed below:

Administration	\$157,500
Environmental Services	327,700
Finance	83,800
Law	17,200
Library Cash Capital	20,900
Neighborhood and Business Development	118,000
Police	100,000
Recreation and Youth Services	34,400
Undistributed	62,700

On December 13, 2009, Governor Paterson announced a statewide delay in cash disbursements. The City's Office of Management and Budget estimates a delay in cash payments of \$3.8 million that were expected in December. Additional AIM reductions and cash delays are still possible.

2% Fund Lawsuit

New York State imposes a 2% tax on premiums collected by out-of-state insurance companies. Commonly called the 2% Fund, the proceeds from the tax are distributed to municipalities throughout the State to benefit firefighters. The City's long-standing practice has been to use its allocation to defray the costs of health care for firefighters. In May 2002, the firefighters union, IAFF, filed a lawsuit challenging that practice.

The state law creating the 2% fund dates to 1849 when the majority of municipal firefighters were volunteers. Since that time, the Rochester Fire Department has changed to a full-time paid professional force with significant benefits; and, the 2% Fund allocation to Rochester has grown to an average of \$650,000 a year. Since 1981, the City has retained the proceeds of the Fund in a separate account and allocated a portion of the Fund to pay for health benefits for the firefighters. The actual annual cost of those benefits is considerably in excess of the amount received by the Fund.

In its lawsuit, the IAFF maintains that since the benefits are now part of its collective bargaining agreement, the firefighters are entitled to both the benefits and to apply the Fund for other unspecified purposes as it may direct. The City maintains that the Fund is being used in accordance with the law. In previous court proceedings, it was sustained through an appeal that the City was the appropriate custodian of the Fund.

The matter was returned to the trial court for a determination of whether the Fund was properly applied and for an accounting of the amount at issue. The court determined that the Fund could not be used in the current manner and directed that the amount that was used in that manner from 2002 to the present be restored to the Fund with interest at the rate that would have been earned had it been retained in the Fund. No determination was made as to the how the Fund could be used. This court order is the first decision that dealt with how the Fund should be used and determined an amount at issue.

It is the City's intention to appeal this decision and to stay the distribution of the Fund until the appellate process is complete. However, now that there is an order directing that the amount previously allocated to

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health benefits be restored to the Fund account, the City will comply with that order and will hold all of the Fund in that account until the appellate process is complete. Even if the City is not successful in its appeal, it is unclear how the Fund could be allocated in a manner that complies with the law and the interpretation that was the basis of the existing order.

In order to comply with the trial court order, the City will have to reallocate funds previously dedicated to other purposes, and/or reduce expenses. If the IAFF position is sustained, this impact will continue. In a time of considerable general fiscal stress this has a significant impact on City finances.

The details of the amendment to reserve funds for the lawsuit are as follows:

Expense Reduction:	Fire Operating	\$ 241,000
	Fire Capital	<u>259,000</u>
	Subtotal	500,000
Transfer from Insurance Reserve		<u>3,378,400</u>
	Total	\$3,878,400

Every effort was made to not affect vital services in developing a plan to offset the loss of state aid and to fund a reserve for the 2% Fund lawsuit. Most of the departmental reductions can be accomplished from the hiring freeze savings, job sharing within and between departments, and eliminating funds budgeted for maintenance of the Culver Road armory. Currently, fifteen full-time positions are targeted to be eliminated. No layoffs are anticipated at this time. Special events will be scaled back and outside sponsorships will be sought.

The reduction in library cash capital reflects a 4% reduction in the purchase of library materials. The fire department reduction reflects accelerating the operational change to a quint/engine delivery system which allows staff reductions and the elimination of a fire truck at the Charlotte and Gardiner Avenue Firehouses. All fifteen fire stations will remain in service. The reduction in Fire cash capital represents the deferral of some fire station improvements and small equipment purchases. Improvements related to safety are funded.

City Council will be advised of any further fiscal impacts proposed additional adjustments, if required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-6
(Int. No. 28, As Amended)

Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by decreasing revenue estimates from state aid and the following appropriations by the sum of \$922,200:

Administration	\$157,500
Environmental Services	327,700
Finance	83,800
Law	17,200
Library Cash Capital	20,900
Neighborhood and Business Development	118,000
Police	100,000
Recreation and Youth Services	34,400
Undistributed	62,700

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Section 2. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by [transferring the sum of \$241,000 from the Fire Department and \$259,000 from the Cash Capital allocation to Undistributed Expense, and by] increasing the revenue estimates and appropriations to Undistributed Expense by the sum of \$[3,378,400] 2,878,400, which amount is hereby appropriated from the Insurance Reserve Fund. Said amount[s] shall be used to establish a reserve to fund the 2% Fund as a result of a lawsuit brought by The Rochester Firefighters, Inc., Local 1071.

Section 3. This ordinance shall take effect immediately.

Bracket material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-7

Re: Amendatory Agreements - Legal
Services

Transmitted herewith for your approval is legislation amending the 2009-10 Budget by transferring \$30,000 from Contingency to the Law Department, and authorizing amendatory agreements with the following firms:

1. Woods Oviatt Gilman LLP for continued legal representation of the City in administrative and judicial proceedings arising out of incidents that occurred on South Goodman Street on June 1, 2007, for an additional \$30,000 to be funded from the 2009-10 Budget of the Law Department;
2. Geiger & Rothenberg for continued legal representation of the City and the City Council in an Article 78 challenge by Monroe Ambulance against the decision to award the City ambulance contract to Rural/Metro Medical Services, for an additional \$5,000 to be funded from the 2008-09 Budget of the City Council in a year end encumbrance for this purpose.

The agreement with Woods Oviatt Gilman LLP provides for William Bauer to represent the City in administrative and judicial proceedings at an hourly rate of \$275. This amendatory agreement will increase the total amount authorized for this purpose to \$80,000. The original agreement for \$10,000 was amended through Ordinance No. 2008-252 which authorized an additional \$40,000. The City entered into an initial agreement in the amount of \$10,000 for these services, and \$40,000 was authorized in Ordinance No. 2008-252. Outside counsel is required because of a conflict; the Law Department is already defending the City in lawsuits commenced as a result of these incidents.

The agreement with Geiger & Rothenberg provides for David Rothenberg to represent the City and the City Council at an hourly rate of \$275. This amendatory agreement will increase the total amount authorized for this purpose to \$60,000. The City entered into an initial agreement in the amount of \$10,000 for these services, \$30,000 was authorized in Ordinance No. 2008-40 and \$15,000 in Ordinance No. 2008-184. Outside counsel is required for this matter because of a possible conflict involving the Law Department. The case is awaiting dismissal and this is anticipated to be the final authorization necessary for this purpose.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-7
(Int. No. 30)

January 19, 2010
Establishing Maximum Compensation For Amendatory Professional
Services Agreements For Legal Services And Amending The 2009-
10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Woods Oviatt Gilman LLP for legal representation of the City. The agreement may extend for the duration of the legal proceedings. Said amount shall be funded from the 2009-10 Budget of the Law Department.

Section 2. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$30,000 from the Contingency Account to the Law Department to fund the legal services.

Section 3. The sum of \$5,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Geiger & Rothenberg for legal representation of the City and City Council. The agreement may extend for the duration of the legal proceedings. Said amount shall be funded from the 2008-09 Budget of the City Council.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-8
Re: Agreement - Rochester City School
District, Facilities Modernization
Program

Transmitted herewith for your approval is legislation authorizing a three-party agreement among the City, Rochester City School District (RCSD), and Rochester Joint Schools Construction Board (RJSCB) regarding roles and responsibilities for the District's Facilities Modernization Program. Such an agreement is required so that the agency responsibilities, delegation of authority, and fiscal responsibilities of each entity is clear prior to incurring any contractual obligations or debt for the program.

In Chapter 416 of the laws of 2007, New York State authorized additional financial assistance to the RCSD in the form of increased Building Aid that will cover the amortization of increased debt required to modernize City school buildings. Authority was provided for thirteen schools to be improved at a cost of approximately \$335 million. The State created a new entity, the RJSCB, to oversee and manage the construction projects. Members of the RJSCB were appointed by the Mayor and Superintendent of Schools, and that Board is currently working toward implementation of their responsibilities.

The State legislation will provide reimbursement for a substantial percentage of the program costs. However, it is clear that there will be a "local share" required for costs that are not deemed eligible by the State; based on past experience, that percentage could range from 5-25% of the cost for each building project.

The City Administration and City Council have both been involved in the planning that resulted in the State legislation that created this program. From the outset, we have been very supportive of the initiative to improve school facilities, but we have also stated clearly that the "local share" would be the responsibility of the District and that the City would require an agreement to that effect prior to the initiation of the program. Section 9 of the proposed agreement addresses that issue.

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The remainder of the proposed agreement addresses the relationship between the RCSD and the RJSCB and provides confirmation of the agency relationship among the three parties as provided in the State law. The RJSCB and the Board of Education approved this agreement on January 6 and January 7, 2010 respectively.

Respectfully submitted,
Robert J. Duffy
Mayor

Lovely A. Warren
City Council President

Ordinance No. 2010-8
(Int. No. 36)

Authorizing An Agreement For The City School Facilities
Modernization Program

WHEREAS, the State Legislature enacted the City of Rochester and the Board of Education of the City School District of the City of Rochester School Facilities Modernization Program Act, Chapter 416 of the Laws of 2007 of the State of New York ("the Act"), in order to provide the City of Rochester ("City") and the Rochester City School District ("District") with increased flexibility to meet the needs of the District's school children by providing alternative financing mechanisms for the reconstruction of up to thirteen school buildings in the District; and

WHEREAS, the Act creates the Rochester Joint Schools Construction Board ("RJSCB") and designates the RJSCB as agent for the City, the District, or both; and

WHEREAS, the Act authorizes the RJSCB to enter into a cooperative agreement with the City and the District to carry out the purposes of the Act, and the Rochester School Facilities Modernization Program ("FMP"); and

WHEREAS, the parties wish to enter into this cooperative agreement in order to clarify, among other things, the agency arrangement and the delegation of authority between the City and the District, on the one hand, and the RJSCB, on the other, as well as their respective obligations and expectations to achieve the purposes of the Act.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor and the President of the City Council be, and hereby are, authorized to execute the Cooperative Agreement by and between the City, the District and the RJSCB, substantially in the form on file with the City Clerk. Pursuant to the agreement, the local share of the FMP shall be the responsibility of the RCSD.

Section 2. The Mayor shall have the power to effectuate and implement the provisions of the Cooperative Agreement on behalf of the City.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-9 and
Resolution No. 2010-6
Re: Capital Improvement Program -
City School District

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Transmitted herewith for your approval is legislation relating to the Capital Improvement Program of the City School District. The legislation will:

1. Establish \$13,110,000 as the maximum amount of debt to be authorized on behalf of the District during the 2009-10; and
2. Authorize the issuance of bonds in that amount and appropriate the proceeds thereof to making capital improvements to existing school buildings in the School District.

At its meeting of November 19, 2009, the Board of Education approved a capital plan that details the use of these funds for improvements and maintenance of educational facilities, fixtures, and equipment. The request was forwarded to the Mayor and City Council for approval of the borrowing required to implement this plan. By City Council Policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed during that year. During 2009-10, the City School District will redeem \$13,110,000 in principal. Since the request limit is less than the principal redeemed, the request complies with the Council's debt limit.

A copy of the District's 2009-10 CIP bond request for Long-Term Facility Improvements and New Construction is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-2

Ordinance No. 2010-9
(Int. No. 37)

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$13,110,000 Bonds Of Said City To Finance The
Cost Of Construction And Renovation Of Various Public School
Buildings Within The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance certain costs of construction and renovation of various public school buildings within the City. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$13,110,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$13,110,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$13,110,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$13,110,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The existing buildings are of Class "A" construction as defined by Section 11.00 a.11.(a) of the Local Finance Law, and the period of probable usefulness of said specific objects or purposes for

January 19, 2010

which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.12.(a)(1) of the Law, is twenty (20) years. A specific list of all such costs of construction and renovation is on file with the City in the Office of the Director of Finance.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The proceeds of these bonds shall be appropriated to pay the cost of such purpose on the condition subsequent that State aid paid to the City or the City School District with respect to such bonds applied solely to meet debt service on such bonds shall not invalidate any obligations issued pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Resolution No. 2010-6
(Int. No. 38)

Approving The 2009-10 Debt Resolution For The City School
District

BE IT RESOLVED, by the Council of the City of Rochester as follows:

January 19, 2010

WHEREAS, an important component of the City School District's expense budget and tax levy is debt service; and

WHEREAS, the amount of debt outstanding is one of the major factors evaluated by credit agencies in the determination of bond rating; and

WHEREAS, control of debt service expense and the amount of outstanding debt must necessarily be exercised through restrictions on bond and note authorizations; and

WHEREAS, bond ratings influence the rate of interest which must be paid on indebtedness and therefore the amount of debt service.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized for City School District purposes in fiscal year 2009-10 to \$13,110,000, which is less than the amount of debt to be redeemed in fiscal year 2009-10.

BE IT FURTHER RESOLVED, that for all bonds authorized for the City School District, the following language shall be inserted into the bond ordinance:

The proceeds of these bonds shall be appropriated to pay the cost of such purpose on the condition subsequent that State aid paid to the City or the City School District with respect to such bonds applied solely to meet debt service on such bonds shall not invalidate any obligations issued pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

BE IT FURTHER RESOLVED, that exceptions to this policy are to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss; and for projects and purposes for which the debt issued therefor would be self-supporting.

BE IT FURTHER RESOLVED, that to insure continued awareness of and adherence to this policy, each separate request for authorized debt shall be accompanied by a report in which the amount of debt actually authorized is compared to the amount of debt herein established as a limit.

This resolution shall take effect immediately.

Adopted unanimously.

Councilmember Conklin moved to discharge Int. No. 31 from committee.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following votes:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul
- 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-10

January 19, 2010

Re: Agreements and Budget
Amendments - Census 2010
Outreach Program

Transmitted herewith for your approval is legislation related to the City's Census 2010 Outreach Program. This legislation will:

1. Authorize an agreement with the New York State Department of State for the receipt and use of a \$90,633 grant for census activities;
2. Establish \$38,000 as maximum compensation for an agreement with Catholic Family Center (CFC) to conduct the direct outreach activities to the City's immigrant and refugee population in census tracts that have been identified as "hard to count" tracts. The cost of this agreement will be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development; and
3. Amend the 2009-10 Budget of the Neighborhood and Business Development by transferring \$8,400 from Contingency, and including \$29,600 from the grant, for a total of \$38,000 to fund the agreement with CFC;
4. Amend the 2009-10 Budget of the Bureau of Communications by transferring \$75,000 from Contingency, and including \$61,000 from the grant to fund media and promotional campaign activities.

National Census Day is April 1, 2010. In order to minimize any possible undercount in the 2010 federal census, the City will engage in direct outreach activities to the City's refugee and immigrant populations, and a citywide awareness campaign.

The CFC was chosen to provide this outreach because of their extensive work with the City's refugee and immigrant populations. The agency is regularly selected to work with special needs refugee groups including Amerasians, Guantanamo Cubans, Kosovars, Sudanese "Lost Boys", and Somali Bantus. To date, CFC has resettled over 9,100 refugees, and offers interpreting and translating services in over 34 languages.

The media campaign and promotional materials will be developed in-house. Budget summaries for the outreach activities and the media/promotional campaign are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-3

Ordinance No. 2010-10
(Int. No. 31)

Authorizing Agreements For The Census 2010 Outreach Program
And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of State for funding for the Census 2010 Outreach Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Catholic Family Center for outreach activities for the Census 2010 Outreach Program.

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Section 3. The agreement shall obligate the City to pay an amount not to exceed \$38,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Neighborhood and Business Development by the sum of \$29,600 and to the Bureau of Communications by the sum of \$61,000, which amounts are hereby appropriated from the funds to be received through the grant agreement authorized herein. The 2009-10 Budget is hereby further amended by transferring the sum of \$8,400 from the Contingency allocation to the Department of Neighborhood and Business Development and \$75,000 from the Contingency allocation to the Bureau of Communications to fund the Census 2010 Outreach Program.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
January 19, 2010

To the Council:

The Neighborhood & Business Development Committee recommends for Adoption the following entitled legislation:

Int. No. 3 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 4 - Resolution Approving Appointment And Reappointments To The Downtown Enhancement District Advisory Committee

Int. No. 5 - Appropriation Of Funds For Smoke And Carbon Monoxide Detectors

Int. No. 24 - Resolution Approving An Appointment To The Rochester Economic Development Corporation

Int. No. 39 - Resolution Endorsing Grant Applications For The New York Main Street Program

Int. No. 40 - Resolution Approving Appointment To The Examining Board of Plumbers

The following entitled legislation is being HELD in committee:

Int. No. 6 - Authorizing Amendatory 1997-98, 1999-2000, 2000-01, 2001-02 And 2005-06 Community Development Program Plans, Amending Ordinances And Authorizing An Agreement For The Urban Agriculture Program

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Elaine M. Spaul

January 19, 2010

NEIGHBORHOOD & BUSINESS COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-11

Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of seven properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a single-family home being sold to the former owner. The buyer will be required to renew the Certificate of Occupancy.

The next two properties are buildable vacant lots being sold to the adjoining owners. The first property is being purchased by the Rochester Housing Authority (RHA). RHA plans to demolish the existing structure (former fire house) and construct a three-story building which will house a community center and two floors of offices above the community center. The next property is being sold to the adjoining owner who will combine the parcel with their adjoining property.

The last four properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine the parcels with their adjoining properties.

The first year projected tax revenue for these seven properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,176.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-4

Ordinance No. 2010-11
(Int. No. 3, As Amended)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following parcel of improved property:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Legal Use</u>	<u>Price</u>	<u>Purchaser</u>
431 Champlain St	120.59-2-65	33x141	1 Family	\$4,923	Myron Moxley

January 19, 2010

Section 2. The Council hereby approves the negotiated sale of the following parcel[s] of buildable vacant land:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Purchaser</u>
[632 S. Plymouth Ave	121.61-2-27	183x231	\$10,000	Roch. Housing Authority*]
1092 Clifford Ave	106.34-1-66	43x157	\$ 50	Joyce Scott

[*Principals: Carol Schwartz, Chairperson; Doreatha Gayden, Vice Chair; Maudine Brown-Long, Commissioner; Rev. Richard Douglass, Commissioner; Florine Cummings, Commissioner; Richard Vega, Commissioner; Hilda Rosario-Escher, Commissioner; Anthony DiBiase, Executive Director]

Section 3. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
W/H 23 Petrel St	Pt of 106.51-2-44	12x107	1,350	Miles McKnight
E/H 23 Petrel St	Pt of 106.51-2-44	12x107	1,350	Roy E. Brown
72 Lowell St	106.46-2-34	32x100	3,200	James A. Culver
47 Lincoln St	106.41-3-40	36x103	3,708	Edward Brown

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-7
Re: Appointments - Downtown
Enhancement District Advisory Committee

Transmitted herewith for your approval is legislation confirming the reappointment of four members and the appointment of one new member to the Downtown Enhancement District Advisory Committee. The committee, established by City Council in 1989, is responsible for monitoring the performance of district services; reviewing the annual budget for the district prepared by the Mayor; and recommending a budget to City Council.

The District includes all properties within the boundaries of Plymouth Avenue, Chestnut Street, Broad Street, and Church Street, Bragdon Place, and Pleasant Street. It also includes properties connected to Main Street by an enclosed skyway. The area is further defined as two zones - Zone 1, the core area, includes all properties fronting on Main Street between Plymouth Avenue and Chestnut Street, or are connected to Main Street by an enclosed skyway; Zone 2 includes all remaining properties.

The District Advisory Committee has eleven members, six of whom represent property owners and tenants within the district. Membership is intended to fairly represent large and small properties, owners and tenants,

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and Zone 1 and Zone 2 properties. The following members, whose terms expire on December 31, 2009, are nominated for re-appointment:

<u>Name</u>	<u>Affiliation</u>	<u>Address</u>
Robert C. Tait	Broadstone Real Estate, LLC	140 Clinton Square, 14604
Louis Nau	Canandaigua National Bank	45 E. Main St., 14604
Robert Scott Grippo	Genesee Management, Inc.	25 Franklin St., Ste. 1122, 14604
Mark Stevens	S. B. Ashley	600 Powers Building, 14614

James Brown, representing the Rochester Riverside Convention Center, is being appointed to replace William Kablack, who is no longer employed by the Convention Center.

The new terms for all five individuals will extend to December 31, 2011. Summary biographies for all five members are on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-5

Resolution No. 2010-7
(Int. No. 4)

Resolution Approving Appointment And Reappointments To The
Downtown Enhancement District Advisory Committee

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of the following person to the Downtown Enhancement District Advisory Committee:

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
James Brown	Rochester Riverside Convention Center	12/31/11

Mr. Brown shall replace William Kablack.

Section 2. The Council hereby approves the reappointment of the following persons to the Downtown Enhancement District Advisory Committee:

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
Robert C. Tait	Broadstone Real Estate, LLC	12/31/11
Louis Nau	Canandaigua National Bank	12/31/11
Robert Scott Grippo	Genesee Management, Inc.	12/31/11
Mark Stevens	S. B. Ashley	12/31/11

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

January 19, 2010

Ordinance No. 2010-12
Re: Consolidated Community
Development Plan Appropriation -
Smoke Detector Installation
Program

Transmitted herewith for your approval is legislation appropriating \$50,000 from the General Community Needs allocation of the 2009-10 Consolidated Community Development Plan for the purchase of smoke and carbon monoxide detectors and replacement batteries.

The Rochester Fire Department will provide and install free smoke and carbon monoxide detectors to low and moderate income families living in residential properties. The RFD coordinates and implements fire prevention and education programs to reach at-risk target populations. Over 70% of structure fires occur in residential properties.

In 2009, the RFD Smoke Detector Installation Program installed 1,910 smoke detectors and 734 carbon monoxide detectors in residential properties throughout the city. As an additional effort to educate residents, firefighters performed 265 home safety surveys and provided assistance in developing Home Escape Plans as a voluntary component of the program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-12
(Int. No. 5)

Appropriation Of Funds For Smoke And Carbon Monoxide
Detectors

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000 is hereby appropriated from the General Community Needs allocation of the 2009-10 Community Development Program, or so much thereof as may be necessary, to fund the purchase and installation of smoke and carbon monoxide detectors.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-8
Re: REDCO Member Appointment

Transmitted herewith for your approval is legislation confirming the appointment of Council Vice President Elaine Spaul as a Member of the Rochester Economic Development Corporation. Ms. Spaul will replace Bill Pritchard, the former Vice President of City Council, who has retired from City Council. Her term will extend to June 30, 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

January 19, 2010

Resolution No. 2010-8
(Int. No. 24)

Resolution Approving An Appointment To The Rochester Economic
Development Corporation

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Council Vice President Elaine Spaul as a Member of the Rochester Economic Development Corporation (REDCO), to replace former Councilmember William Pritchard, for a term which shall expire on June 30, 2011.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Councilmember Palumbo moved to amend Int. No. 39.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following votes:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul
- 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-9
Re: New York Main Street Program

Transmitted herewith for your approval is legislation endorsing the applications of the Sector 4 CDC, the North Clinton Avenue Business Association/Ibero American Development Corporation, South Wedge Planning Committee and the Hudson Avenue Business Association/Group 14621 to the New York State Division of Housing and Community Renewal (DHCR) for Main Street Grants.

The New York Main Street Program was established in 2004. Under the terms of the program, not-for-profit organizations can apply for grants of up to \$500,000 to be applied to one of four program objectives: façade renovation, building renovation, streetscape enhancement and downtown anchor grants.

The legislation that created the program requires that the local legislative body provide a resolution of endorsement to ensure these applications are consistent with governmental policies and goals. The applicants must meet these requirements.

The applications will impact the following areas: Thurston Road, North Clinton Avenue and Hudson Avenue.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-9
(Int. No. 39, As Amended)

January 19, 2010
Resolution Endorsing Grant Applications For The New York Main
Street Program

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby endorses the applications of the Sector 4 Community Development Corporation, the North Clinton Avenue Business Association/Ibero American Development Corporation, the South Wedge Planning Committee, the South East Area Coalition, Inc., and the Hudson Avenue Business Association/Group 14621 to the New York State Division of Housing and Community Renewal for inclusion in the New York Main Street Grant Program, and finds that the applications are consistent with City policies and goals.

Section 2. The City Clerk is hereby directed to provide certified copies of this resolution to the appropriate staff at the New York State Division of Housing and Community Renewal and to the applicants.

Section 3. This resolution shall take effect immediately.

Underlined material added.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-10
Re: Appointment - Examining Board
of Plumbers

Transmitted herewith for your approval is legislation confirming the appointment of William S. Kurtz, 18 Summers Street, Livonia, NY to the Examining Board of Plumbers. Mr. Kurtz, a master plumber, will fill the vacancy created by the resignation of Erich Postler, effective December 31, 2009. Mr. Kurtz's term will extend to December 31, 2012.

By law, board membership must include two employing or master plumbers and one journeyman plumber with no less than ten years' experience. Mr. Kurtz's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-10
(Int. No. 40)

Resolution Approving Appointment To The Examining Board Of
Plumbers

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of William S. Kurtz, 18 Summers Street, Livonia, NY to the Examining Board of Plumbers for a term which shall expire on December 31, 2012. Mr. Kurtz shall replace Erich K. Postler.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

January 19, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Introductory No. 6
Agreement - Sustainable Intelligence,
LLC, Study of Urban Agriculture;
Amending the Consolidated
Community Development Plan

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Sustainable Intelligence, LLC Linden Oaks, Rochester, for services related to "Project Green" and amending the Consolidated Community Development Plan to provide funds for the agreement. The Consolidated Plan amendments will transfer a total of \$60,000 into a new Urban Agriculture account as follows:

<u>Year</u>	<u>Transfer from</u>	<u>Transfer to</u>	<u>Amount</u>
1997-98	Slater's raiders	Urban Agriculture	\$ 3,945
1999-00	Slater's raiders	Urban Agriculture	3,556
2000-01	Slater's raiders	Urban Agriculture	7,661
2001-02	Neighbors Building Neighborhoods	Urban Agriculture	5,721
2005-06	Sector funding initiative	Urban Agriculture	20,000
2005-06	Mini-grant program	Urban Agriculture	19,117

Project Green is the Administration's policy document on matching Rochester's built environment footprint for existing and future population needs. Currently, Rochester is facing its highest vacancy rate in history. Surplus housing stock and infrastructure need to be removed so that policies and programs aimed at attracting more people back to Rochester's core communities can succeed. New strategies need to be explored that can utilize vacant land, abandoned structures, and underutilized property.

The consultant will conduct an analysis and feasibility study of urban agriculture and community gardens for the City of Rochester focusing on neighborhood revitalization and economic development. The project includes employment opportunities for youth and immigrant populations.

A Request for Proposal (RFP) was released on September 8, 2009 and directly forwarded to over thirty-five (35) urban agriculture and community garden advocates/stakeholders. Proposals were received from two firms - Sustainable Intelligence LLC and Bergmann Associates. The Bureau of Planning and Zoning selected Sustainable Intelligence LLC based on their qualifications, assigned personnel, overall familiarity and expertise with the scope of the proposal, in addition to the City's funding the consultant is bringing a matching funds commitment of \$60,000: \$40,000 from Foodlink and \$20,000 from Hillside.

A public hearing is required for the Consolidated Plan amendments.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 6

AUTHORIZING AMENDATORY 1997-98, 1999-2000, 2000-01,
2001-02 AND 2005-06 COMMUNITY DEVELOPMENT PROGRAM
PLANS, AMENDING ORDINANCES AND AUTHORIZING AN
AGREEMENT FOR THE URBAN AGRICULTURE PROGRAM

BE IT ORDAINED, by the Council of the City of Rochester as follows:

January 19, 2010

Section 1. The Council hereby approves amendments to the 1997-98, 1999-2000, 2000-01, 2001-02 and 2005-06 Community Development Program Plans whereby, within the Supporting Neighbors Building Neighborhoods allocations, the sum of \$3,945 is transferred from the Slater's Raiders Program Account in 1997-98, \$3,556 from the Slater's Raiders Program Account in 1999-2000, \$7,661 from the Slater's Raiders Program Account in 2000-01 and \$5,721 from the Neighbors Building Neighborhoods Account in 2001-02; and within the Other Programs allocations in 2005-06 the sum of \$20,000 from the Sector Funding Initiative Account and \$19,117 from the Mini-Grant Program Account, to new accounts within the Supporting Neighbors Building Neighborhoods allocations for the Urban Agriculture Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with Sustainable Intelligence, LLC for an analysis and feasibility study of urban agriculture and community gardens in the City.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$60,000, and of said amount, or so much thereof as may be necessary, the following amounts are hereby appropriated from the Supporting Neighbors Building Neighborhoods allocations of the following Community Development Programs: \$3,945 from 1997-98, \$3,556 from 1999-2000, \$7,661 from 2000-01, \$5,721 from 2001-02 and \$39,117 from 2005-06.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. The following ordinances are hereby amended by reducing the amounts authorized and appropriated therein as follows, which amounts are transferred and reappropriated herein:

<u>Ordinance No.</u>	<u>Amount</u>	<u>Purpose</u>
2008-347	\$15,162	Slater's Raiders for Peace
2002-285	5,721	Neighbors Building Neighborhoods
2005-379	20,000	Sector Funding Initiative (Sector 10)

Section 6. This ordinance shall take effect immediately.

Held in committee.

By Councilmember Miller
January 19, 2010

To the Council:

The Jobs, Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 7 - Establishing Maximum Compensation For A Professional Services Agreement For The Environmental Cleanup Of The Former Emerson Street Landfill

Int. No. 8 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$540,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The Former Emerson Street Landfill In The City

Int. No. 9 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Lawn Street Public Improvement Project

January 19, 2010

Int. No. 10 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Genesee Crossroads Garage Structural Repairs Project

Int. No. 11 - Authorizing An Agreement For The Ridgeway Avenue Transportation Improvement Project

Int. No. 25 - Authorizing Agreements For Mechanical, Electrical And Plumbing Engineering Services For Building Renovation Projects

Int. No. 29 - Establishing Maximum Compensation For A Professional Services Agreement For The Midtown Revitalization Project

The Jobs, Parks & Public Works Committee recommends for Consideration the following entitled legislation:

Int. No. 12 - Approving Changes In The Pavement Width Of Lawrence Street And Anson Place

Int. No. 32 - Authorizing The Acquisition Of Easements For The University Avenue Improvement And ARTWalk2 Enhancement Projects

Int. No. 33 - Authorizing Agreements For Public Art For The ARTWalk2 Enhancement Project

Int. No. 34 - Local Improvement Ordinance – Public Art At 657-687 East Avenue As A Part Of The ARTWalk2 Enhancement Project

Respectfully submitted,
Dana K. Miller
Matt Haag
Loretta C. Scott
Elaine M. Spaul
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-13 and
Ordinance No. 2010-14
Re: Agreement - LaBella Associates,
P.C., Former Emerson Street
Landfill Environmental Investigation
And Mitigation

Transmitted herewith for your approval is legislation establishing \$539,500 as maximum compensation for an agreement with LaBella Associates, P.C. to complete environmental services at the former Emerson Street Landfill, and authorizing the issuance of bonds totaling \$540,000 and the appropriation of the proceeds thereof to finance the cost of the agreement.

The former landfill is located on Emerson Street, and is bounded by Lexington Avenue, Lee Road, Ferraro Street, and Colfax Street. It consists of seven City-owned and 37 privately-owned parcels with an area of approximately 250 acres. Most of the parcels are developed. From the early 1930's through 1971, the site was the City's waste incineration facility, with ash residue deposited on site. New York State purchased the site in 1970, closed the landfill in 1971, and developed it as an industrial park. Edison Technical High School was also constructed on the site.

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While the majority of materials at the site are solid waste, a limited amount of hazardous waste has been found, resulting in a portion of the site being listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites. Previous City and State investigations identified soil and groundwater contamination and landfill gas containing methane in some locations. Since 1992, the City has performed several cleanup and mitigation projects in response to the investigation results.

Recent New York State regulations regarding volatile organic compounds require the City to complete additional environmental investigation, assessments, corrective actions, and potential remedial or mitigation measures, including a soil vapor intrusion assessment.

LaBella will develop the required project work plan to be submitted to the State for review and approval. Their work will include a building inventory assessment, limited groundwater sampling, public records review, and a listing of any properties that may be at risk for vapor intrusion. LaBella will complete initial vapor intrusion sampling and analysis where possible, and evaluate potential mitigation, remedial alternatives, and costs of any needed actions. If mitigation is required, LaBella will be responsible for the design, installation, documentation, initial start-up, operation, and monitoring of any systems.

A request for proposal for these services was issued to seven firms; responses were received from Stantec Consulting Services, Lu Engineers, O'Brien & Gere, and LaBella Associates. LaBella is recommended based on the quality of its proposal, cost, experience with similar projects, and the proposed project team.

At the beginning of the project the City will contact each property owner to provide information about the FESL, describe the planned investigation, and request owner participation in the investigation project. The City and LaBella team will work with FESL property owners on approaches toward access, consultant personnel, the level and type of investigation, mitigation approaches if needed, and the scheduling of work. Key objectives will be to ensure that project activities are compatible with property owner needs while still accomplishing the requirements of the City's order on consent with the NYSDEC.

Also, as part of the soil vapor intrusion (SVI) project, the LaBella project team will assist the City in the development of a technical assistance program for property owners and businesses located on the site. Property owners will be offered technical assistance and professional services related to the assessment, investigation, and if required, mitigation of landfill gas and vapor intrusion conditions derived from the FESL. LaBella will serve as the program coordinator for the assistance program. Their responsibilities will include the management of investigation and technical services, outreach to property owners and public information, retaining and coordinating the services of the team of qualified subconsultants and subcontractors, and assisting the City with arranging access for property owners that participate in the project.

The cost of the agreement includes a 20% contingency. This agreement will have a term of one year with provisions for three one-year renewals. Adjustment to the specific unit prices during the third and fourth year will be permitted subject to the City's approval. Initial investigation phases are expected to require up to two years to complete. Depending on results and remedial actions, additional funding may be required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-6

Ordinance No. 2010-13
(Int. No. 7)

Establishing Maximum Compensation For A Professional Services
Agreement For The Environmental Cleanup Of The Former
Emerson Street Landfill

BE IT ORDAINED, by the Council of the City of Rochester as follows:

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Section 1. The sum of \$539,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. to complete soil vapor and landfill gas assessment services for the former Emerson Street Landfill. The agreement shall extend for a term of one year, with options to renew for three additional one-year terms. Unit prices may be adjusted during the last two renewal terms with the approval of the City's designated agent. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-14
(Int. No. 8)

Bond Ordinance Of The City Of Rochester, New York Authorizing
The Issuance Of \$540,000 Bonds Of Said City To Finance The Cost
Of Environmental Clean-Up Of The Former Emerson Street
Landfill In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the environmental investigation, mitigation and interim remedial services for the former Emerson Street Landfill in the City (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$540,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$540,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$540,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvement for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$540,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation of (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Section 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-15
Re: Agreement Amendment -
Dewberry-Goodkind, Inc., Lawn
Street Improvement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Dewberry-Goodkind, Inc., for additional design services related to the Lawn Street Improvement Project. Maximum compensation of \$102,000 was authorized by Ordinance No. 2007-347. This amendment will increase compensation by \$5,600 for a total of \$107,600. The additional cost will be financed from the 2004-05 Cash Capital allocation of the Department of Environmental Services.

The overall project has involved several aspects of street reconstruction, a change in traffic flow, construction of ADA-compliant sidewalk ramps, and the analysis for repair or removal of an existing areaway.

Additional design services are required for structural analysis of the areaway roof at 50 Chestnut Plaza, preparation of a conceptual layout of parking areas to determine if pavement widenings are acceptable, and additional information to be supplied to the Health Department to assist in their review of plans for the water mains within the project area.

Construction has been ongoing since fall 2009; completion is scheduled for summer 2010.

Respectfully submitted,
Robert J. Duffy

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Mayor

Ordinance No. 2010-15
(Int. No. 9)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For The Lawn Street Public
Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$5,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Dewberry, Inc. for engineering planning and design services for the Lawn Street Public Improvement Project. Said amount shall be funded from the 2004-05 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-16
Re: Amendatory Agreement -
Herrick-Saylor Engineering,
Crossroads Garage Structural
Repair Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Herrick-Saylor Engineers, Pittsford, for additional resident project representation and construction administration services for the Crossroads Garage Structural Repair Project. The original agreement for \$205,824 was authorized in August 2008 (Ordinance No. 2008-301). This amendment will increase maximum compensation by \$74,176 to a total of \$280,000. The additional cost will be financed from debt authorized by Ordinance 2009-284.

The original agreement provided for full-time resident project representation services (40 hours per week) for a project construction period of 180 days. During project design, unforeseen conditions expanded the scope of the project and the subsequent construction period was expanded to 270 days, necessitating additional services from the consultant.

Construction of the project is underway and is anticipated to be completed in August 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-16
(Int. No. 10)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For The Genesee Crossroads
Garage Structural Repairs Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

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Section 1. The sum of \$74,176, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Herrick-Saylor Engineers, P.C. for design and construction administration services for the Genesee Crossroads Garage Structural Repairs Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2009-284.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-17

Re: Ridgeway Avenue Transportation
Improvement Project (Ramona
Street - Minder Street)

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Rochester & Southern Railroad, Inc., for engineering design services for a portion of the Ridgeway Avenue Improvement Project, and appropriating \$20,000 in anticipated Federal Highway Administration reimbursements to partially fund the agreement. The remaining \$5,000 will be funded from the 2008-09 Cash Capital allocation of the Department of Environmental Services.

The Ridgeway Avenue Improvement Project is a federal aid project administered by the City. Previous Council actions include authorizing a design agreement with Stantec Consulting Services and appropriating reimbursements from the Federal Highway Administration (May 2008); and authorizing additional federal appropriations and a design agreement with CSX Transportation (October 2008).

The agreement with Rochester & Southern Railroad and additional Federal appropriations are required at this time to provide for engineering design services for the Rochester & Southern Railroad at-grade crossings on Ridgeway Avenue.

Design of the project is currently underway, and is anticipated to be completed in 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-7

Ordinance No. 2010-17
(Int. No. 11)

Authorizing An Agreement For The Ridgeway Avenue
Transportation Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochester & Southern Railroad, Inc. for engineering design services for the Ridgeway Avenue Transportation Improvement Project (Ramona Street - Minder Street).

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$25,000, and of said amount, or so much thereof as may be necessary, \$20,000 is hereby appropriated from anticipated

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reimbursements from the Federal Highway Administration and \$5,000 shall be funded from the 2008-09 Cash Capital allocation.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-18

Re: Agreements - Mechanical, Electrical,
Plumbing Engineering Services

Transmitted herewith for your approval is legislation authorizing agreements with the following firms for the provision of mechanical, electrical and plumbing engineering services related to building renovation projects or other capital projects for the Department of Environmental Services, Bureau of Architecture and Engineering:

<u>Firm</u>	<u>Address</u>
M/E Engineering, P.C.	150 North Chestnut Street, Rochester 14604
LaBella Associates, P.C.	300 State Street, Suite 201, Rochester 14614
Lakeside Engineering, P.C.	333 Andrews Street, Rochester 14604
Pathfinder Engineers & Architects LLP	134 South Fitzhugh Street, Rochester 14608
Q-Tech Engineering, P.C.	317 West Commercial Street, East Rochester 14445

The agreements will be financed from the annual budgets of the Department of Environmental Services and, if necessary, the departments using the services or from capital funds appropriated for specific projects.

Similar agreements have been in place since 2005 for services which include: mechanical system evaluations of existing facilities as requested by the City; design services including preparation of contract documents for contracted maintenance work and providing inspection of that work during construction; and commissioning of systems after construction completion.

In November 2009, a request for proposals was sent directly to twelve firms and was posted on the City's web site. Thirteen firms responded: CHA, Clark Patterson Lee, EI Team Inc., Erdman Anthony, IBC Engineering, KCI Engineering of New York, P.C., M/E Engineering, P.C., LaBella Associates, P.C., Lakeside Engineering, P.C., Pathfinder Engineers & Architects LLP, Q-Tech Engineering, P.C., Stantec Consulting Services Inc., and Wyffels Engineering PLLC.

The five firms selected are recommended for these services based on the variety and availability of services provided, cost for services, qualifications and past experience. These agreements will provide for said services to be provided at specified unit prices. The selection of a consultant will be based on project specific proposals, type of services required, and the ability to perform the services within the time specified by the City.

The agreements will be for a term of two years, with an additional one-year renewal option, and shall obligate the City to pay an amount not to exceed the amount budgeted for each project.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-18

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(Int. No. 25)

Authorizing Agreements For Mechanical, Electrical And Plumbing
Engineering Services For Building Renovation Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for mechanical, electrical and plumbing engineering services required for building renovation or capital projects as required by the City:

<u>Organization</u>	<u>Address</u>
M/E Engineering, P.C.	150 North Chestnut Street, Rochester 14604
LaBella Associates, P.C.	300 State Street, Suite 201, Rochester 14614
Lakeside Engineering, P.C.	333 Andrews Street, Rochester 14604
Pathfinder Engineers & Architects LLP	134 South Fitzhugh Street, Rochester 14608
Q-Tech Engineering, P.C.	317 West Commercial Street, East Rochester 14445

Section 2. The agreements shall extend for a term of two years, with an additional one-year renewal option, and shall obligate the City to pay an amount not to exceed the amount budgeted for each project, which shall be funded from the annual budget or from project appropriations.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-19
Re: Agreement - LaBella Associates,
P.C., Midtown Revitalization
Project - Site Development

Transmitted herewith for your approval is legislation establishing \$950,000 as maximum compensation for an agreement with LaBella Associates, P.C., Rochester, to provide scoping and preliminary design services for site redevelopment for the Midtown Revitalization Project, and appropriating \$950,000 in Federal Omnibus Appropriation funds to finance the agreement.

The Midtown Revitalization project includes site acquisition, hazardous material abatement, demolition, site redevelopment, and sale or lease of parcels of this 8.6 acre Center City site. Ordinance No. 2008-25 authorized LaBella Associates to provide master planning and facilitation of the State Environmental Quality Review process. That work has allowed the New York State Empire State Development Corporation to progress the hazardous materials abatement and demolition phases.

This new agreement with LaBella Associates will provide for scoping and preliminary design services of the project's public streets and infrastructure, which will result in a re-subdivision of the site into development parcels. The scoping phase will establish criteria required to coordinate the site redevelopment phase with the pending demolition phase. The preliminary design services will result in a site plan for review under the City's land subdivision regulations. Authorization for final design services for the site redevelopment by Council will be sought at a later date.

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Qualifications were solicited from all fifteen pre-approved firms on the NYSDOT Region 4 Local Design Service Agreement list. In addition to LaBella, responses were received from Bergmann Associates P.C., Clark Patterson Lee, Dewberry Inc., Erdman Anthony, FRA Engineering P.C., and Stantec Consulting Services. Based on a review of the qualifications and their approach to the project, LaBella Associates was selected.

Through the efforts of Congresswoman Louise Slaughter, the 2008-09 Federal Omnibus Appropriations Act provided \$950,000 for the Midtown Site Development Project. The funds require no local matching share and may be used for any purposes related to the project.

Scoping phase services will begin in early 2010; preliminary design phase services are expected to be completed in fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-19
(Int. No. 29)

Establishing Maximum Compensation For A Professional Services
Agreement For The Midtown Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$950,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with LaBella Associates, P.C. for scoping and preliminary design services for site redevelopment for the Midtown Revitalization Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount is hereby appropriated from Federal Omnibus Appropriations Act Funds for the Midtown Revitalization Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-20
Re: Lawrence Street Group Improvement
Project

Transmitted herewith for your approval is legislation authorizing the following pavement width changes within the Lawrence Street Group Improvement Project:

1. An increase of six feet in pavement width on Lawrence Street from 20 feet to 26 feet, beginning at Stuart Street northerly for 200' then tapering to 23' wide for the remaining 145' to Charlotte Street, and;
2. An increase of 10 feet in pavement width on Anson Place from 20 feet to 30 feet, beginning at the former Dryer Alley northerly for 185', then decreasing to 26 feet wide for 280', then tapering back to match the existing 20' wide pavement at East Avenue.

Comprised in this project are Lawrence Street (East Avenue to Charlotte Street), Anson Place (East Avenue to Dryer Alley) and Charlotte Street (Union Street to Alexander Street). Improvements will include

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reconstruction and rehabilitation of the pavement; installation of new curbs; new water mains and services on Anson and Charlotte Streets, driveway aprons, and catch basins; replacement of sidewalks as needed; street lighting upgrades as required; and topsoil and seed. Project design will be provided by the City's Department of Environmental Services, Bureau of Architecture and Engineering.

The increased width on Lawrence Street will allow for more maneuvering room for delivery vehicles as well as staging areas for livery as requested by the Rochester Police Department. The increased width on Anson Place will allow for additional maneuvering room as well as additional parking. There are no proposed changes to the layout of curbs and sidewalks on Charlotte Street.

The construction cost estimate, including resident project representation and construction contingency, is \$1,166,000. It is anticipated design will be completed in spring 2010; construction is projected to begin in summer 2010, with substantial completion by fall 2010.

The proposed changes were presented to the Upper East End Association meeting on October 14, 2009; meeting minutes are attached. The pavement width changes were endorsed at the December 15, 2009 Traffic Control Board meeting.

Public hearings on the pavement width changes are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-8

Ordinance No. 2010-20
(Int. No. 12)

Approving Changes In The Pavement Width Of Lawrence Street
And Anson Place

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase of 6 feet, from 20 feet to 26 feet, in the pavement width of Lawrence Street, beginning at Shuart Street northerly for 200 feet, then tapering to 23 feet wide for the remaining 145 feet to Charlotte Street, as a part of the Lawrence Street Group Improvement Project.

Section 2. The Council hereby further approves an increase of 10 feet, from 20 feet to 30 feet, in the pavement width of Anson Place, beginning at the former Dryer Alley northerly for 185 feet, then decreasing to 26 feet wide for 280 feet, then tapering to match the existing 20 foot width at East Avenue, as a part of the Lawrence Street Group Improvement Project.

Section 3. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-21, Ordinance No. 2010-22
And Local Improvement Ordinance No. 1611

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Re: Agreements and Easements -
University Avenue Improvement
And ARTWalk2 Enhancement
Project - ARRA

Transmitted herewith for your approval is legislation authorizing agreements and easements related to the University Avenue Improvement and ARTWalk2 Enhancement Project. This legislation will:

1. Authorize the donation or acquisition of four permanent easements and three temporary easements, as illustrated in the table below, to provide for public art installations;
2. Authorize an agreement with New York State for receipt and use of a \$250,000 New York State Economic Development Capital Assistance Program (NYSEDCA) grant to finance portions of the project. The grant was secured through the efforts of Senator Joseph Robach;
3. Establish \$150,000 as maximum compensation for an agreement with Cliff Garten Studio, Venice, CA for the creation and installation of a sculpture on North Goodman Street at Village Gate. This agreement will be funded from previously appropriated American Recovery and Reinvestment Act (ARRA) funds (Ordinance No. 2009-156);
4. Establish \$150,000 as maximum compensation for an agreement with Adam Frank Incorporated, Brooklyn, NY for the creation and installation of a sculpture on University Avenue at Visual Studies Workshop. This agreement will be funded from previously appropriated ARRA funds (Ordinance No. 2009-156);
5. Establish \$359,000 as maximum compensation for up to 65 additional artist agreements for art work to be installed on various sites as part of the project. These agreements will be funded from the ARRA funds and the NYSEDCA funds appropriated herein;
6. Establish a local improvement ordinance that will allow for the installation of artwork at the Rochester Museum and Science Center (RMSC), and will:
 - a. Appropriate \$100,000 from the Local Improvement Fund and the subsequent assessment of this amount against the benefitted property, 657-687 East Avenue, to replenish the fund to finance the cost of the local enhancement improvement; and
 - b. Authorize an agreement with RMSC for the implementation and maintenance of improvements as part of the project and assumption of the local enhancement assessment against 657-687 East Avenue; and
7. Establish \$100,000 as maximum compensation for an agreement with Living Lenses, Berkeley, CA for the creation and installation of a sculpture at 657-687 East Avenue (RMSC).

The University Avenue Improvement and ARTWalk2 Enhancement Project details have been presented to Council in transmittal letters accompanying Ordinance Nos. 2009-156, 2009-386 and 2009-433. In December 2009, a portion of the permanent and temporary easements and associated agreements were authorized as part of the streetscape improvements and various public art installations. The current legislation includes the following easements:

<u>Owner</u>	<u>Address</u>	<u>Easement Type</u>	<u>Square Feet</u>	<u>Value</u>
Univ. of Rochester	500 University Ave.	permanent (2)	3,101	\$155,000 (combined)
			38,948	
Univ. of Rochester	500 University Ave.	temporary (3)	4,642	\$5,100 (combined)
			4,973	
			4,820	

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Stern Family	274-302 N. Goodman	permanent	658	donation
North 277 Ltd. Part.	277 N. Goodman	permanent	352	donation

The University of Rochester's Memorial Art Gallery, as a City partner in the project, is commissioning privately-funded art, at a minimum \$1,000,000, to be installed on the easements. They will also be removing sections of the fence currently surrounding gallery grounds to allow for public access. The University Avenue easements are necessary to accomplish this partnering. The easements on North Goodman Street may be necessary for installation of sculpture in the vicinity of Village Gate.

The total acquisition and necessary closing costs for the seven easements will not exceed \$163,000 and will be funded from (ARRA) funds appropriated in Ordinance No. 2009-156.

The two major art works - a light sculpture at Village Gate and a visual media sculpture at Visual Studies Workshop - are funded by ARRA grants. Open calls for these works were issued by the project team and distributed locally and nationally. Seventy-four artists responded to the former; and 32 to the latter. A nine-member jury was selected for each project. Each jury was composed of three art/design professionals, two professional artists, and one member each from the Bergmann design team, ARTWalk of Rochester, the City, and the Neighborhood of the Arts.

The juries for each of these sculptures evaluated all proposals, and selected three finalists and several alternates each. The juries then interviewed each of the finalists via video conferencing. The juries selected Cliff Garten Studio for the light sculpture near Village Gate and Adam Frank, Inc. for the media sculpture near Visual Studies Workshop. The agreements with both of these artists will be financed with the previously appropriated ARRA funds.

Up to sixty-five additional artist agreements, totaling \$359,000, will be executed as part of the project. The art being commissioned through these agreements will include an aesthetic bike rack, a number of artist-designed benches and artist-designed seating, an artist-designed bus shelter, mosaic light poles, painted utility boxes, revolving art pieces, specialty pavement designs by artists, artistic signs and posts, guerilla art and temporary art during construction. Most of these commissions will be selected by community juries using the selection process which has traditionally been used by ARTWalk of Rochester, Inc.

The ARTWalk of Rochester, Inc. selection process generally entails advertisement of proposal requests via their website, ARTWalk's e-mail distribution list, postcard, flyers and social networking sites. Once proposals are received by the project team, they will be displayed for a period of time to solicit public feedback. Community juries will then directly select artists in some cases or, in other cases, the juries will shortlist several artists and request the shortlisted artists to prepare scale models of their art. The juries will then select the artists after judging the models. It is expected that a majority of the artists selected using this process will be local and regional artists; however, that choice will be up to the consensus of the individual juries.

The RMSC requested that the ARTWalk2 project extend to the front of the museum and the planetarium on East Avenue. RMSC is undertaking a fundraising campaign to finance a science- or technology-based artwork to be located on East Avenue. Since the fundraising effort is not yet complete, the City will execute an agreement with Living Lenses, the artist selected by the RMSC art selection team. The \$100,000 cost of that agreement will be paid from the Local Improvement Fund and RMSC has agreed to replenish the fund in three equal, annual installments at 1% above the City's most recent long-term borrowing rate, beginning with the City tax bill for 2011-12.

New York State Senator Joseph Robach has secured a \$250,000 NYS Economic Development Capital Assistance Program (NYSEDCA) grant for a pocket park to be located on the University Towers site. The pocket park will be financed by a combination of the NYSEDCA grant and previously appropriated ARRA funds.

Plans which depict the numerous elements of the University Avenue Improvement and ARTWalk2 Enhancement Project are on file with the City Clerk. Those plans were developed by the project design team

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and are based in part upon input and consensus developed over a period of months through many public interactive workshops and design sessions.

A public hearing is required for the local enhancement assessment.

It is anticipated that construction will begin in June 2010 and will be substantially completed by fall 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-9

Ordinance No. 2010-21
(Int. No. 32)

Authorizing The Acquisition Of Easements
For The University Avenue Improvement
And ARTWalk2 Enhancement Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of, or accepts the donation of, permanent easements over the following parcels for public art installations as a part of the University Avenue Improvement and ARTWalk2 Enhancement Projects:

<u>Owner Name</u>	<u>Address</u>	<u>SBL No.</u>	<u>S.F.</u>	<u>Appraised Value</u>
University of Rochester	500 University Avenue	106.83-1-46.3	3,101	\$155,750
University of Rochester	500 University Avenue	106.83-1-46.3	38,948	
Gary I. & Marcia Stern LP	274-302 North Goodman Street	106.84-1-10	658	Donation
North 227 LP	227 North Goodman St.	106.83-1-25	352	Donation

Section 2. The Council hereby further approves the acquisition of temporary easements over the following parcels for public art installations as a part of the University Avenue Improvement and ARTWalk2 Enhancement Projects:

<u>Owner Name</u>	<u>Address</u>	<u>SBL No.</u>	<u>S.F.</u>	<u>Appraised Value</u>
University of Rochester	500 University Avenue	106.83-1-46.3	4,642	\$5,100
University of Rochester	500 University Avenue	106.83-1-46.3	4,973	
University of Rochester	500 University Avenue	106.83-1-46.3	4,820	

Section 3. The acquisitions shall obligate the City to pay an amount not to exceed \$160,850, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the American Recovery and Reinvestment Act of 2009 funds appropriated in Section 2 of Ordinance No. 2009-156.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

January 19, 2010

Ordinance No. 2010-22
(Int. No. 33)

Authorizing Agreements For Public Art For The ARTWalk2
Enhancement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$150,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Cliff Garten Studio for public art for the ARTWalk2 Enhancement Project. Said amount shall be funded from the American Recovery and Reinvestment Act of 2009 funds appropriated in Section 2 of Ordinance No. 2009-156.

Section 2. The sum of \$150,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Adam Frank Incorporated for public art for the ARTWalk2 Enhancement Project. Said amount shall be funded from the American Recovery and Reinvestment Act of 2009 funds appropriated in Section 2 of Ordinance No. 2009-156.

Section 3. The sum of \$359,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for additional professional services agreements between the City and artists for public art for the ARTWalk2 Enhancement Project. Of said amount, \$284,000 shall be funded from the American Recovery and Reinvestment Act of 2009 funds appropriated in Section 2 of Ordinance No. 2009-156 and \$75,000 shall be funded from the appropriation made in Section 6.

Section 4. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Living Lenses for public art at 657-687 East Avenue for the ARTWalk2 Enhancement Project. Said amount shall be funded from a local improvement ordinance adopted for this purpose.

Section 5. The Mayor is hereby authorized to enter into an agreement with New York State for funding under the Economic Development Capital Assistance Program for the ARTWalk2 Enhancement Project. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. The sum of \$250,000 is hereby appropriated from Economic Development Capital Assistance Program funds to be received through the agreement authorized in Section 5 to fund the ARTWalk2 Enhancement Project.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1611
(Int. No. 34)

Local Improvement Ordinance - Public Art At 657-687 East Avenue
As A Part Of The ARTWalk2 Enhancement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. As part of the ARTWalk2 Enhancement Project, the Council hereby authorizes special treatment of the parcel at 657-687 East Avenue in the form of the installation of public art on said parcel, and the construction or reconstruction of the necessary incidentals thereto, in accordance with plans and specifications prepared or approved by the City Engineer.

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Section 2. The improvements and work described in Section 1 shall be constructed in accordance with the provisions of Chapter 10 of the Municipal Code and shall be done by contract.

Section 3. The limits of the District of Assessment for the improvements and work shall be the following property, in amounts not to exceed the following:

<u>Address</u>	<u>SBL No.</u>	<u>Owner</u>	<u>Amount</u>
657-687 East Avenue	121.35-1-56	City of Rochester	\$100,000

Section 4. The cost of improvements and work described in Section 1, including the cost of any necessary professional design and engineering work, not to exceed \$100,000, plus interest at a rate 1% above the City's "latest borrowing rate", shall be assessed on the property described above. The Council hereby deems such property to be benefited by such improvements and proper to be assessed therefor. The City's "latest borrowing rate" shall be the most recent rate at which the City shall have sold long-term bonds prior to the date of initial billing of the assessments.

Section 5. The assessments shall be billed beginning with the 2011-12 tax bill, and shall be due in three installments.

Section 6. The total cost of said improvements and work, up to \$100,000, shall be charged as described in this ordinance and paid from the local improvement fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for this purpose.

Section 7. The Mayor is hereby authorized to enter into an agreement with the Rochester Museum and Science Center (RMSC) for the implementation and maintenance of improvements as part of the ARTWalk2 Enhancement Project and whereby RMSC shall agree to pay to the City the local improvement charges assessed herein. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
January 19, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for Adoption the following entitled legislation:

Int. No. 13 - Authorizing An Application And Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2009-10 Budget

Int. No. 14 - Authorizing An Application And Agreement For The Juvenile Accountability Conferencing Program

Int. No. 15 - Authorizing An Application And Agreement For The STOP Violence Against Women Program

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Int. No. 16 - Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2009-10 Budget

Int. No. 17 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Fitness And Nutrition Classes

Int. No. 18 - Authorizing An Agreement For The Pillars Of Hope Program

Int. No. 19 - Authorizing An Agreement For An After-School Program Grant And Amending The 2009-10 Budget

Int. No. 20 - Authorizing An Agreement For A Grant For The Rochester Public Market And Amending The 2009-10 Budget

Int. No. 21 - Amending The 2009-10 Budget For The Purchase Of Leaf Blowers

Int. No. 22 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$150,000 Bonds Of Said City To Finance The Cost Of Construction Of Repairs To The North Street Recreation Center In The City

Int. No. 23 - Authorizing An Agreement For A Grant For The North Street Recreation Center And Amending The 2009-10 Budget

The following entitled legislation is being HELD in committee:

Int. No. 35 - Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program And Amending The 2009-10 Budget

Respectfully submitted,
Adam C. McFadden
Matt Haag
Jacklyn Ortiz
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-23, Ordinance No. 2010-24
And Ordinance No. 2010-25
Re: Police Grants, NYS Division of
Criminal Justice Services

Transmitted herewith for your approval is legislation authorizing applications and agreements with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of grants totaling \$122,260, under the following programs:

Motor Vehicle Theft and Insurance Fraud Prevention Program (MVTIFP) April 1 – December 31, 2010

MVTIFP provides \$36,000 for the reduction of auto theft and insurance fraud and supports Police Department deployment in high theft areas and increased investigations of insurance fraud. The grant also will be used to train police officers in specialized anti-theft techniques and technology. The previous MVTIFP award was authorized by City Council in January 2009. During the last grant period, there were over 1,990

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investigations of auto theft opened, with over 600 arrests made and over \$6,000,000 in stolen vehicles recovered. No local match is required for this grant.

An amendment to the 2009-10 Budget of the Police Department of \$4,600 is required to reflect the prorated amount of the grant for this fiscal year. The remaining funds will be appropriated in the 2010-11 Budget of the Police Department.

Juvenile Accountability Block Grant (JABG) January 1 – December 31, 2010

JABG provides \$14,052 under the Balanced and Restorative Justice program and will be used to continue the Juvenile Accountability Conferencing (JAC) program. The program evaluates juvenile offenders for eligibility for diversion, and enables the juveniles to make amends to the victim and the community. This is the 12th year of JABG funding. The recidivism rate for the most recent grant period, during which over 100 youth participated, is approximately 10% - one of the lowest in the country. The grant and required 10% local match were anticipated in the 2009-10 budget, thus no budget amendment is required.

Stop Violence Against Women Act (VAWA) January 1 – December 31, 2010

The VAWA award of \$71,208 is an increase of approximately 3% over last year. The program helps ensure the immediate safety of victims of domestic violence and helps them find safe housing. Services include contacting victims prior to the arraignment of the perpetrators, and offering legal advocacy and follow-up services to ensure their continued safety. Over 500 domestic violence victims in high-risk targeted police patrol areas and over 150 domestic violence victims who are identified by reviewing Domestic Violence Incident Reports have been helped during the past year. The funding partially reimburses the cost of three counselors and support costs in the Family and Victim Services Section of the Police Department. This is the City's 11th year of funding. The funding under this program was anticipated in the 2009-10 Budget, thus no budget amendment is needed. No local match is required for this grant in the new term. This recurring VAWA funding is in addition to the one-time Recovery Act VAWA funding that was authorized in December 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-23
(Int. No. 13)

Authorizing An Application And Agreement For The Motor Vehicle
Theft And Insurance Fraud Prevention Program And Amending
The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding under the Motor Vehicle Theft and Insurance Fraud Prevention Program.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2008-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$4,600, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

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Ordinance No. 2010-24
(Int. No. 14)

Authorizing An Application And Agreement For The Juvenile
Accountability Conferencing Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding under the Juvenile Accountability Block Grant (JABG) for the 2010 Juvenile Accountability Conferencing (JAC) Program.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-25
(Int. No. 15)

Authorizing An Application And Agreement For The STOP Violence
Against Women Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding for the 2010 STOP Violence Against Women Program.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-26
Re: Governor's Traffic Safety Committee,
Selective Traffic Enforcement
Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Governor's Traffic Safety Committee (GTSC) for application for and receipt of a \$38,290 grant under the Selective Traffic Enforcement Program (STEP) Aggressive Driving Program; and amending the 2009-10 Police Department Budget by \$26,700. This reflects the appropriation of a prorated portion of the new award. The remainder will be appropriated in the 2010-11 Budget.

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The STEP program is aimed at reducing motor vehicle accidents resulting from unsafe or aggressive driving, including speeding and failure to observe traffic control devices. The funds will be used to reimburse the overtime salaries of sworn officers to conduct special enforcement details, targeting locations with a high incidence of motor vehicle accidents. Grant funds will also be used for the purchase of two Laser RADAR speed detection units.

During the previous funding period, 1,052 citations were issued to motorists for infractions related to unsafe or aggressive driving. This is the eighth year of GTSC funding to the City under this program and covers the period October 1, 2009 through September 30, 2010. A grant for the STEP program was most recently approved January 2009 under Ordinance No. 2009-25.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-26
(Int. No. 16)

Authorizing An Application And Agreement For The Selective
Traffic Enforcement Program And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the Governor's Traffic Safety Committee for funding for the Selective Traffic Enforcement Program (STEP).

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$26,700, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-27
Re: Amendatory Agreement - Rosalind
Walker, Fitness and Nutrition
Instruction

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Rosalind Walker, Rochester 14611, for additional fitness and nutrition instruction. The original agreement established maximum compensation of \$3,060 and expired December 18, 2009. This amendment will increase compensation by \$4,500 for a total of \$7,560, and extend the term of the contract through May 15, 2010. The additional cost will be funded from a year-end encumbrance of the 2008-09 Budget of the Department of Recreation and Youth Services.

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The additional funds amendment will provide additional fitness and nutrition classes at John Marshall High School, North Street Community Center, Flint Street Community Center and Webster Avenue Community Center from January 5, 2010 to May 15, 2010.

Council authorization is required since Ms. Walker has an additional contract for exercise classes at Gardiner Recreation Center for \$4,260 through agreement dated September 8, 2009. This legislation will increase total agreements with Ms. Walker for 2009-10 to \$11,820, exceeding the annual threshold for administrative approval.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-10

Ordinance No. 2010-27
(Int. No. 17)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For Fitness And Nutrition Classes

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$4,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Rosalind Walker for fitness and nutrition classes. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-28
Re: Agreements and Appropriations -
Youth Services Projects

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an agreement with the Center for Change, Inc., to provide support and enhancements to the Pillars of Hope Program.

The cost of this agreement will be funded from the General Community Needs allocations of the 2003-04 (\$4,726) and the 2004-05 (\$5,274) Community Development Block Grants.

The Center for Change will provide training, workshop coordination, and development of program materials for African-American adult role models to interact with students in several Rochester City Schools. The Center will also provide program evaluation support.

Currently, the Pillars of Hope program is being facilitated in six RCSD schools. The Pillars of Hope program is considered a project without matching funds and is eligible for up to three years of funding. This will be its second year of funding.

A project description and budget are attached.

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Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-11

Ordinance No. 2010-28
(Int. No. 18)

Authorizing An Agreement For The Pillars Of Hope Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Center for Change, Inc. for the Pillars of Hope Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000, and of said amount, or so much thereof as may be necessary, \$4,726 is hereby appropriated from the General Community Needs allocation of the 2003-04 Community Development Program and \$5,274 is hereby appropriated from the General Community Needs allocation of the 2004-05 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-29
Re: Agreement - Rochester Area
Community Foundation, After
School Program Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Area Community Foundation for receipt and use of a grant for \$35,000 to support after school programs at Henry Hudson School #28; and amending the 2009-10 Budget of the Department of Recreation and Youth Services to reflect the grant.

The grant will be used to support the operation and activities for 100 students at the after school program at School #28 from January 4, 2010 to May 26, 2010.

During the 2008-09 school year, a total of 62 children ages 8-12 participated - 25 boys and 37 girls. Of those, there were 36 African-Americans, 12 Hispanics, 13 Caucasians, and 1 other.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-29
(Int. No. 19)

January 19, 2010
Authorizing An Agreement For An After-School Program Grant And
Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation for funding for the after-school program at Henry Hudson School No. 28.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$35,000, which amount is hereby appropriated from the funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2010-30
Agreement - New York State
Department of Agriculture and
Markets, Rochester Public Market
Tram

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Agriculture and Markets for receipt and use of a grant for \$25,000; and amending the 2009-10 Capital Budget of the Department of Recreation and Youth Services to reflect the grant.

The Friends of the Public Market have received a separate \$100,000 grant to support the purchase and operation of a tram to shuttle patrons between the Market and its various parking areas, as well as link other areas in the Market District. The City's grant will fund the construction of a covered tram stop at the Market.

It is anticipated that the tram will be ready for operation in the 2010 season.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-12

Ordinance No. 2010-30
(Int. No. 20)

Authorizing An Agreement For A Grant For The Rochester Public
Market And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Agriculture and Markets for funding for construction of a tram stop at the Rochester Public Market.

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Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$25,000, which amount is hereby appropriated from the funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-31
Re: Budget Amendment - Purchase
Of Cemetery Maintenance
Equipment

Transmitted herewith for your approval is legislation amending the 2009-10 Budget by transferring \$16,000 from the Cemetery Fund Balance to the Cash Capital Budget of the Department of Recreation and Youth Services. This transfer will support the purchase of two turbine leaf blowers to be used at Mount Hope and Riverside Cemeteries.

The purchase of two turbine leaf blowers will enhance the leaf collection effort at the cemeteries since they are designed to move large volumes of leaves quickly. The blowers are easily transportable and can be truck or trailer mounted.

The two cemeteries comprise approximately 320 acres of lawn area with approximately 2,700 deciduous trees and approximately 40 miles of roads. Leaf collection begins in October and continues through May of the following year. To complete the work, the City relies on the contributions of volunteers (Day of Caring and Clean Sweep) and community service workers provided by Monroe County. In addition, City crews work overtime on fall weekends, as well as on weekdays and weekends in the spring.

Even with these resources, completing leaf pick up by May is an annual challenge. Adding two leaf blowers to the inventory of equipment will provide much needed assistance.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-31
(Int. No. 21)

Amending The 2009-10 Budget For The Purchase Of Leaf Blowers

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$16,000 from the Cemetery Fund to the Cash Capital allocation to fund the purchase of leaf blowers for the Mt. Hope and Riverside Cemeteries.

Section 2. This ordinance shall take effect immediately.

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Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-32

Re: North Street Recreation Center
Roof Replacement

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$150,000 and the appropriation of the proceeds thereof to finance the cost of replacing the roof of the North Street Recreation Center.

The Center is a 28,900 square foot building built in 1973, with a gymnasium roof that is original to the building. This facility is part of a national class action settlement for faulty roof decking components that will result in minor compensation to the City based on a percentage of structural deterioration. The roof is also approaching the end of its useful life; the project includes the roof decking repairs in conjunction with roof replacement. The roof replacement was identified in the 2009-10 Capital Improvement Program.

Project design and construction administration, including a third party verification of roof deck deterioration as required for the settlement, is provided for by Richard A. Mauser Architects under a term services agreement authorized in Ordinance No. 2008-358.

Bids for construction were received on October 29, 2009. The apparent low bid of \$203,000 submitted by Leo J. Roth Corporation is 15% less than the consulting architect's estimate. In addition to the proposed bond issuance, \$53,000 of construction cost will be funded from the 2007-08 Cash Capital allocation of the Department of Environmental Services. An additional \$20,000 (10%) in 2008-09 Cash Capital will be allocated for project contingencies.

The exact reimbursement value from the class action suit will be established during construction; authorization to accept these funds by Council will be sought at a later date.

Construction will begin in March 2010 with scheduled completion in July 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-32
(Int. No. 22)

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$150,000 Bonds Of Said City To Finance The Cost
Of Construction Of Repairs To The North Street Recreation Center
In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction of repairs to the North Street Recreation Center, including but not limited to replacement of the roof (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$223,000. The plan of financing includes the issuance of \$150,000 bonds of the City, and said amount is hereby appropriated therefor, and the application of \$73,000 in current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate

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or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$150,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$150,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

January 19, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-33
Re: Agreement - Dormitory Authority
of the State of New York, Economic
Development Capital Assistance
Program Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Dormitory Authority of the State of New York (DASNY) for the receipt and use of a \$600,000 grant through the Economic Development Capital Assistance Program, and amending the 2009-10 Cash Capital allocation of the Department of Recreation and Youth Services by \$600,000 to reflect the grant.

These funds will provide partial funding for the design and renovation the North Street Recreation Center. The building is in need of modernization, including mechanical upgrades, furnishings, and changes in layout of current space. These renovations will provide a more efficient use of current space, creating an environment that will enable expansion and enhancement of programs and services for area youth.

The DASNY funds were secured through the sponsorship of Assemblyman David Gantt. The City provided \$600,000 in matching funds through the 2008-09 year-end budget amendment (Ord. No. 2009-268).

It is anticipated that an agreement with a consultant for design services for this project will be submitted for Council authorization in early spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-33
(Int. No. 23)

Authorizing An Agreement For A Grant For The North Street
Recreation Center And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Dormitory Authority for funding through the Economic Development Capital Assistance Program for improvements to the North Street Recreation Center.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$600,000, which amount is hereby appropriated from the funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 35 from committee.

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The motion was seconded by Councilmember Scott.

The motion was adopted by the following votes:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul
- 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-34
Re: Agreements - Community-Based
Adolescent Pregnancy Prevention
Program

Transmitted herewith for your approval is legislation related to a new program to address teen pregnancy, the Community-Based Adolescent Pregnancy Prevention Program. This legislation will:

1. Authorize an agreement with the New York State Department of Health for the receipt and use of a \$304,674 grant for the Program;
2. Establish maximum compensation, to be funded from the grant, for agreements with the following agencies to provide related services:

University of Rochester/Highland Family Planning	\$ 40,660
Baden Street Settlement/Metro Council for Youth Potential	63,877
YWCA of Rochester and Monroe County	43,366
Teaching and Training By Design, LLC	10,000
Center for Change, Inc.	<u>15,000</u>
	\$172,903

3. Amend the 2009-10 Budget of the Department of Recreation and Youth Services to reflect the balance of the grant, \$131,800. These funds will cover administrative costs associated with the City's role as lead agency, including the hiring of a full-time program coordinator (a one-year temporary position).

The approval of the program by the State is for a one-year term, January 1-December 31, 2010. The State expects to issue a new RFP for future periods.

The goal of this new program is to significantly reduce the rate of pregnancy among teenagers in targeted areas. The plan focuses on increasing the number of youth served, increasing outreach and services to parents, adding innovative youth development activities, and ensuring access to primary care and comprehensive reproductive health services. The program will serve a total of 400 youth and their families.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-34
(Int. No. 35)

Authorizing Agreements For The Adolescent Pregnancy Prevention
Services Program And Amending The 2009-10 Budget

January 19, 2010

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health for the receipt and use of funding for the operation of the Adolescent Pregnancy Prevention Services Grant Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for services under the New York State Adolescent Pregnancy Prevention Services Grant Program:

<u>Organization</u>	<u>Amount</u>
University of Rochester/Highland Family Planning	\$ 40,660
Baden Street Settlement/Metro Council for Youth Potential	63,877
YWCA of Rochester and Monroe County	43,366
Teaching and Training By Design, LLC	10,000
Center for Change, Inc.	<u>15,000</u>
	\$172,903

In the event that all funds for a specific agreement are not expended, the Mayor is authorized to enter into amendatory agreements with the above organizations to use the unexpended funds.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$172,903, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Department of Health.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$131,800, which amount is hereby appropriated from the funds to be received under the grant agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:50 p.m.

DANIEL B. KARIN
City Clerk